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EXAMINER

MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
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3626

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/329,659
Filing Date: June 10, 1999
Appellant(s): FENTON ET AL.

MAILED

MAR 07 2006

GROUP 3600

Edward F. Behm, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/2/05 appealing from the Office action
mailed 11/5/03.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,831,526	LUCHS et al.	5-1989
5,845,245	PESCITELLI et al.	12-1998
6,405,181	LENT et al.	6-2002

(9) Grounds of Rejection

Art Unit: 3626

The following ground(s) of rejection are applicable to the appealed claims:

Specification

1. The amendment filed 8/13/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The newly added recitation of automatically approving or denying the application based on a comparison of data contained in the application with "real-time current" underwriting criteria within claims 1, 13, 14, 23 and 32 appears to constitute new matter. In particular, Applicant does not point to, nor was the Examiner able to find, any support for a "real-time current" underwriting criteria feature within the specification as originally filed. As such, Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims.

Applicant is required to cancel the new matter in the reply to this Office action.

2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to under 35 U.S.C. § 112, first paragraph, because the specification, as originally filed, does not provide support for the invention as is now claimed for the reasons given in section 2 above.

Claim Rejections - 35 USC § 112

Art Unit: 3626

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase “real-time current underwriting criteria” is unsupported by the specification.

Independent claims 1, 13, 14, 23 and 32 recite limitations that are new matter.

Claims 2-12, 15-22, 24-31, and 33-40 incorporate the deficiencies of independent claims 1, 13, 14, 23 and 32, through dependency, and are also rejected.

(A) Claims 1, 13, 14, 23 and 32 have been amended to now recite the feature of automatically approving or denying the application based on a comparison of data contained in the application with “real-time current” underwriting criteria. However, it is unclear as to what a “real-time current” underwriting criteria actually is. Does Applicant seek patent protection for a system that issues and activates insurance policies in “real time” or for a system that approves and offers an insurance policy according to “real time” underwriting criteria?

Applicant is respectfully requested to clarify the above issues, provided there is clear support for the “real-time current” feature in the specification as originally filed.

(B) Claims 2-12, 15-22, 24-31, and 33-40 incorporate the deficiencies of independent claims 1, 13, 14, 23 and 32, through dependency, and are also rejected.

Art Unit: 3626

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,831,526 to Luchs et al. and "Instant Auto Insurance Quotes Now available at Quotesmith.com" to Bland and U.S. Patent No. 5,845,256 to Pescitelli et al. in view of U. S. Patent No. 6,405,181 to Lent et al.

--In considering claim 1, the claimed subject matter that is met by Luchs et al. includes:

1) the claimed method of processing an insurance application and receiving the application for a insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor (see: column 3, lines 5-16).

2) the claimed automatically approving or denying of the application based on comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: column 7, lines 29-31 and column 8, lines 1-8).

3) the claimed automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved and presenting the policy to

Art Unit: 3626

the user for electronic acceptance is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: column 17, lines 1-15).

Luchs et al fails to teach the claimed issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a

Art Unit: 3626

message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include purchasing, issuing and immediately activating an insurance policy at the kiosk as taught by Pescitelli et al. with the system as taught by Luchs and Bland with the motivation of allowing customer's to buy and instantly begin receiving insurance coverage in real-time via the Internet.

In addition, claim 1 has been amended to now recites "... real-time current underwriting criteria" and "... approved based on the real-time current underwriting criteria and ..."

As per this limitation, Luchs et al., Bland and Pescitelli et al. teach a method of processing an insurance application involving receiving the application for a insurance from a user over a computer network (see: Luchs: column 3, lines 5-16) as well as issuing and activating the policy upon electronic acceptance and payment via an electronic payment occur during single user session (see: Pescitelli et al.: column 2, lines 54-58 and column 3, lines 1-28 and column 14, lines 32-49).

Luchs et al., Bland and Pescitelli et al. fail to teach offering a policy of insurance to the user based upon on real-time current underwriting criteria.

Lent et al. teaches a system and method for providing real time approval credit over a network involving an underwriter (110, Fig. 1) receiving data from the parsing engine and evaluating the data to determine if an applicant should receive an offer for credit by comparing the applicant's Fair Isaac Risk Score (FICO) to certain thresholds (see: column 4, lines 18-37 and abstract). The FICO Score is updated in real time and used for approval and offering of credit to applicant.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the comparing of an applicant's FICO score to determine the approval and offering of credit to the applicant as taught by Lent et al. with the system taught by Luchs et al., Bland and Pescitelli et al. with the motivation of obtaining credit bureau information and making an underwriting decision in real time (see: Lent et al.: column 1, lines 55-59).

Claim 2 recites subject matter that was met in claim 1 above, as well as the claimed stored criteria being stored in a database is met by the data bank which allow data to be stored and edited (see: column 15, lines 45-67).

Claim 3 recites subject matter that was met in claim 1 above, as well as the claimed stored criteria in executable code is met by the ability of the central processor (23) to store and access information in its data bank and the capability to access and review other databases for relevant information (see: column 14, lines 36-45).

Claim 4 recites subject matter that was met in claim 1 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client and the issuer giving approval for printing and mailing of the policy to the accepting client (see: column 17, lines 31-66).

Art Unit: 3626

As per claims 5, 16, 25, and 34, Luchs et al. and Bland fail to explicitly teach a method for receiving a credit card number from the applicant prior to issuance of the policy for use in payment of premiums.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-14).

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

Claims 6-12 recites subject matter that was met in claim 1 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: Luchs: column 7-10).

--In considering claim 13, the claimed subject matter that is met by Luchs et al. includes:
1) the claimed method of processing an application for an amendment to an existing policy or insurance and receiving the application for an amendment to a policy of insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor which then check for error to be corrected. (see: Luchs: column 16, lines 31-67).

Art Unit: 3626

2) the claimed automatically approving or denying of the application based on comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

3) the claimed automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline(see: Luchs: column 17, lines 1-15).

Luchs et al fails to teach the claimed issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Art Unit: 3626

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

In addition, claim 13 has been amended to now recites "... real-time current underwriting criteria" and "... approved based on the real-time current underwriting criteria and ..."

As per this limitation, Luchs et al., Bland and Pescitelli et al. teach a method of processing an insurance application involving receiving the application for a insurance from a user over a computer network (see: Luchs: column 3, lines 5-16) as well as issuing and activating the policy upon electronic acceptance and payment via an electronic payment occur during single

Art Unit: 3626

user session (see: Pescitelli et al.: column 2, lines 54-58 and column 3, lines 1-28 and column 14, lines 32-49).

Luchs et al., Bland and Pescitelli et al. fail to teach offering a policy of insurance to the user based upon on real-time current underwriting criteria.

Lent et al. teaches a system and method for providing real time approval credit over a network involving an underwriter (110, Fig. 1) receiving data from the parsing engine and evaluating the data to determine if an applicant should receive an offer for credit by comparing the applicant's Fair Isaac Risk Score (FICO) to certain thresholds (see: column 4, lines 18-37 and abstract). The FICO Score is updated in real time and used for approval and offering of credit to applicant.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the comparing of an applicant's FICO score to determine the approval and offering of credit to the applicant as taught by Lent et al. with the system taught by Luchs et al., Bland and Pescitelli et al. with the motivation of obtaining credit bureau information and making an underwriting decision in real time (see: Lent et al.: column 1, lines 55-59).

--In considering claim 14, the claimed subject matter that is met by Luchs et al. includes:

- 1) the claimed computerized system for processing an insurance application during a single user session and means for receiving the application for a insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor (see: Luchs: column 3, lines 5-16).

- 2) the claimed means for automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting

Art Unit: 3626

criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

3) the claimed means for automatically offering a policy of insurance to the user during a the user session in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: Luchs: column 17, lines 1-15).

Luchs et al fails to teach the claimed means for issuing and immediately activating the policy during the user session upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein the issued and activated policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph I and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Art Unit: 3626

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

In addition, claim 14 has been amended to now recites "... real-time current underwriting criteria" and "... approved based on the real-time current underwriting criteria and ..."

As per this limitation, Luchs et al., Bland and Pescitelli et al. teach a method of processing an insurance application involving receiving the application for a insurance from a user over a computer network (see: Luchs: column 3, lines 5-16) as well as issuing and activating the policy upon electronic acceptance and payment via an electronic payment occur during single

Art Unit: 3626

user session (see: Pescitelli et al.: column 2, lines 54-58 and column 3, lines 1-28 and column 14, lines 32-49).

Luchs et al., Bland and Pescitelli et al. fail to teach offering a policy of insurance to the user based upon on real-time current underwriting criteria.

Lent et al. teaches a system and method for providing real time approval credit over a network involving an underwriter (110, Fig. 1) receiving data from the parsing engine and evaluating the data to determine if an applicant should receive an offer for credit by comparing the applicant's Fair Isaac Risk Score (FICO) to certain thresholds (see: column 4, lines 18-37 and abstract). The FICO Score is updated in real time and used for approval and offering of credit to applicant.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the comparing of an applicant's FICO score to determine the approval and offering of credit to the applicant as taught by Lent et al. with the system taught by Luchs et al., Bland and Pescitelli et al. with the motivation of obtaining credit bureau information and making an underwriting decision in real time (see: Lent et al.: column 1, lines 55-59).

Claim 15 recites subject matter that was met in claim 14 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: column 17, lines 31-66).

Claims 17-22 recites subject matter that was met in claim 14 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage,

Art Unit: 3626

accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: column 7-10).

--In considering claim 23, the claimed subject matter that is met by Luchs et al. includes:
the claimed computerized system for processing an insurance application during a single user session, comprising a server and a database used to transmit an application for a policy of insurance to a user over a computer network in response to a request is met by the central processor and each terminal having the means to input and retrieve information in the data bank to response to the information entered by the terminal operator (see: column 3, lines 5-30).

1) the claimed server automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

2) the claimed server automatically offering a policy of insurance to the user is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: Luchs: column 17, lines 1-15).

3) the claimed server applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: Luchs: column 17, lines 31-66).

Luchs et al fails to teach the claimed processing an insurance application over a computer network during a single user session and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

Art Unit: 3626

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The

Art Unit: 3626

Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

In addition, claim 23 has been amended to now recites "... real-time current underwriting criteria" and "... approved based on the real-time current underwriting criteria and ..."

As per this limitation, Luchs et al., Bland and Pescitelli et al. teach a method of processing an insurance application involving receiving the application for a insurance from a user over a computer network (see: Luchs: column 3, lines 5-16) as well as issuing and activating the policy upon electronic acceptance and payment via an electronic payment occur during single user session (see: Pescitelli et al.: column 2, lines 54-58 and column 3, lines 1-28 and column 14, lines 32-49).

Luchs et al., Bland and Pescitelli et al. fail to teach offering a policy of insurance to the user based upon on real-time current underwriting criteria.

Lent et al. teaches a system and method for providing real time approval credit over a network involving an underwriter (110, Fig. 1) receiving data from the parsing engine and evaluating the data to determine if an applicant should receive an offer for credit by comparing the applicant's Fair Isaac Risk Score (FICO) to certain thresholds (see: column 4, lines 18-37 and abstract). The FICO Score is updated in real time and used for approval and offering of credit to applicant.

Art Unit: 3626

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the comparing of an applicant's FICO score to determine the approval and offering of credit to the applicant as taught by Lent et al. with the system taught by Luchs et al., Bland and Pescitelli et al. with the motivation of obtaining credit bureau information and making an underwriting decision in real time (see: Lent et al.: column 1, lines 55-59).

Claim 24 recites subject matter that was met in claim 23 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: column 17, lines 31-66).

Claims 26-31 recites subject matter that was met in claim 23 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: column 7-10).

--In considering claim 32, the claimed subject matter that is met by Luchs et al. includes:
1) the claimed computer-readable medium tangibly embodying instructions which, when executed by a computer is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor (see: Luchs: column 3, lines 5-16).

2) the claimed automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

Art Unit: 3626

3) the claimed automatically offering a policy of insurance to the user is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: Luchs: column 17, lines 1-15).

4) the claimed applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: Luchs: column 17, lines 31-66).

Luchs et al fails to teach the claimed processing an insurance application over a computer network during a single user session and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Art Unit: 3626

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

In addition, claim 32 has been amended to now recites "... real-time current underwriting criteria" and "... approved based on the real-time current underwriting criteria and ..."

As per this limitation, Luchs et al., Bland and Pescitelli et al. teach a method of processing an insurance application involving receiving the application for a insurance from a user over a computer network (see: Luchs: column 3, lines 5-16) as well as issuing and activating the policy upon electronic acceptance and payment via an electronic payment occur during single

Art Unit: 3626

user session (see: Pescitelli et al.: column 2, lines 54-58 and column 3, lines 1-28 and column 14, lines 32-49).

Luchs et al., Bland and Pescitelli et al. fail to teach offering a policy of insurance to the user based upon on real-time current underwriting criteria.

Lent et al. teaches a system and method for providing real time approval credit over a network involving an underwriter (110, Fig. 1) receiving data from the parsing engine and evaluating the data to determine if an applicant should receive an offer for credit by comparing the applicant's Fair Isaac Risk Score (FICO) to certain thresholds (see: column 4, lines 18-37 and abstract). The FICO Score is updated in real time and used for approval and offering of credit to applicant.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the comparing of an applicant's FICO score to determine the approval and offering of credit to the applicant as taught by Lent et al. with the system taught by Luchs et al., Bland and Pescitelli et al. with the motivation of obtaining credit bureau information and making an underwriting decision in real time (see: Lent et al.: column 1, lines 55-59).

Claim 33 recites subject matter that was met in claim 32 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: Luchs: column 17, lines 31-66).

Claims 35-40 recites subject matter that was met in claim 32 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage,

Art Unit: 3626

accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: Luchs: column 7-10).

(10) Response to Argument

In the Appeal Brief filed 1 December 2004, Appellant makes the following arguments:

(A) Appellant maintains that the phrase “real time” is supported by the specification on page 16-17 and 20, therefore overcoming the rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

(B) Luchs, Bland, Pescitelli and Lent fail to teach the approval and denial of an application based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with at least one other criteria.

Examiner will address Appellant’s arguments in sequence as they appear in the brief.

Response to Argument (A):

In response to the first argument, the Examiner respectfully submits the pending claims filed 8/13/03 recited a step of “automatically approving or denying the application based on a comparison of data contained in the application with real-time current underwriting criteria”. This broadest reasonable interpretation of this limitation is the real-time use of underwriting criteria and not real-time approval or denial of an application as presently argued. In addition, the Appellant argues according to the specification on page 16-17 and 20 that when one action occurs, and another action occurs at this point (in time) is it readily apparent that two actions occur “commensurate in time”, however the phrase “commensurate in time” has not been entered in the present application. Moreover, it is respectfully submitted that the Lent reference is relied on for teachings a system and method for providing real time approval credit over a network

Art Unit: 3626

involving an underwriter (110, Fig. 1) receiving data from the parsing engine and evaluating the data to determine if an applicant should receive an offer for credit by comparing the applicant's Fair Isaac Risk Score (FICO) to certain thresholds (see: column 4, lines 18-37 and abstract). The FICO Score is updated in real time and used for approval and offering of credit to applicant.

Response to Argument (B):

In response to the second argument, the Examiner respectfully submits the recited claim language states "automatically approving or denying the application based on a comparison of data contained in the application with real-time current underwriting criteria" which is the real-time use of underwriting criteria. The Lent reference is relied on for teaching a system and method for providing real time approval credit over a network involving an underwriter (110, Fig. 1) receiving data from the parsing engine and evaluating the data to determine if an applicant should receive an offer for credit by comparing the applicant's Fair Isaac Risk Score (FICO) to certain thresholds (see: column 4, lines 18-37 and abstract). The FICO Score is updated in real time and is essential underwriting criteria that is used for approval and offering of credit to applicant which essentially is the approval or denial of an application based on the real-time underwriting criteria provided by the FICO Score.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 3626

Respectfully submitted,

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